

LEAVE & BENEFIT INFORMATION

SUPERVISORS NEED TO KNOW

NOTE: For additional information please refer to the Timekeeping Guide for Supervisors http://www.dhhs.state.nc.us/humanresources/timekeeping/supervisors_guide/

VACATION LEAVE

- Employee must be in pay status or worker's compensation leave for one-half or more of the work days in a month in order to earn vacation leave for the month.
- The supervisor, prior to the employee taking vacation, must approve vacation leave.
- Vacation may be accumulated indefinitely until December 31 each year and only 240 hours will be kept as a vacation balance and the difference credited to sick leave balances.
- Time-Limited employees earn vacation benefits.
- Employees working at least 20 hours or more in permanent positions will earn prorated vacation benefits.
- Advancement of vacation leave may be given on an individual basis, but cannot be more than the employee would earn during the rest of the calendar year.
- Upon separation of employment, the employee will receive a lump-sum payment unless transferring to an agency that will accept vacation time.
- Vacation continues to accumulate while employee is exhausting leave & is entitled to holidays & salary increases.
- If an employee separates employment and is overdrawn on leave it will be taken from their final paycheck.
- Retirement deduction shall be made from all leave payments.
- Vacation/leave records are retained for at least 5 years of separation date.
- Uses of vacation time:
 - Vacation
 - Other absences for personal reasons
 - Adverse weather
 - Personal illness in lieu of sick leave
 - Illness in immediate family
 - Time lost for reporting work late
 - Donation to co-workers or family member under voluntary shared leave

SICK LEAVE

- Sick leave granted to those who are in pay status for one-half or more of the workdays in a month in order to earn sick leave for the month.
- Employees earn 8 hours monthly (96 hours year). This time is prorated if the employee works on a part-time basis.
- Vacation hours in excess of 240 hours on December 31 each year are converted to sick leave.
- May accumulate indefinitely.
- May be advanced, but not to exceed the amount to be earned during the remainder of the year.
- Accumulates while the employee is exhausting leave.

LEAVE & BENEFIT INFORMATION

SUPERVISORS NEED TO KNOW

- May request doctor's statement if leave abuse is suspected.
- If an employee transfers to another state agency, their leave will transfer with them.
- If an employee separates from state government their sick balance will remain on the books for 5 years and will be reinstated to the employee if they return to work within the 5 years
- Sick leave may be used:
 - Illness or injury
 - Medical appointments
 - Temporary disability for childbirth
 - To care for immediate family member
 - Death of immediate family member
 - Donations to family member approved for voluntary shared leave
 - Adoption of child, limited to 30 days for each parent
 - Unused sick leave may be applied as retirement credits
- Sick leave records are kept for 5 years

Family and Medical Leave

- Federal entitlement for employees based on months of service and hours of work
- Eligibility: **Full-time** (permanent, probationary, trainee, or time limited) has to have 12 months of total State service and have been in pay status at least 1040 hours during the previous 12 months; **Part-time** (half-time or more either permanent, probationary, trainee, or time-limited) must have been in pay status same as full-time. **Temporary**, must have worked 12 months and have been in pay status at least 1250 hours during the previous 12 months.
- Employee entitled to a total of 12 weeks in a 12- month time frame.
- Leave may either be in paid or unpaid status.
- Qualifications for FMLA:
 - The birth of a child and to care for the newborn child after birth.
 - Placement of or to care for a child placed with employee for adoption or foster care.
 - For an employee to care for employee's child, spouse, or parent, when that child, spouse, family member has a serious health condition.
 - Employee has a serious health condition that prevents employee from performing one or more of the essential functions of their job.
- Agency cannot require that compensatory leave be used for unpaid FMLA leave.
- Employee may choose to exhaust paid time in the following ways:
 - **Birth** (vacation, and/or sick, or any portion or go on leave without pay *sick leave can only be used for disability period)
 - **Adoption** (vacation leave or leave without pay)
 - **Foster care** (vacation or leave without pay)
 - **Illness of child, spouse, parent** (vacation, sick, or any portion or leave without pay)
 - **Employee illness** (shall exhaust sick and may choose to exhaust vacation leave or any portion)

LEAVE & BENEFIT INFORMATION

SUPERVISORS NEED TO KNOW

- Doctor's certification required and/or documentation for adoption, foster care, and medical illness.
- Health insurance benefits paid by the state will be maintained while employee is under FMLA. If the employee is paying a premium for their coverage then they should continue to do so.
- It is unlawful to interfere with, restrain, or deny any right provided by this policy or to discharge or in any way discriminate against an employee for opposing any practice made unlawful by this policy.

VOLUNTARY SHARED LEAVE

- Employee is eligible for VSL if they have a medical condition or a member of the employee's immediate family has a medical problem that causes employee to be out for a prolonged period of time.
- Temporary, intermittent, or part-time employees that work less than one-half time are not eligible.
- Prolonged medical condition is considered to be 20 consecutive workdays.
- Employees may not intimidate, threaten, coerce, or attempt to intimidate any other employee about donating their time.
- Medical documentation will be required.
- VSL can be used during the 60 day qualifying period for short-term disability.
- All vacation and sick leave must be exhausted before VSL can be granted.
- Co-workers may donate vacation time to employee; immediate family members may donate vacation and/or sick leave.
- Non-family members may not contribute leave outside the department.
- Minimum amount of vacation and sick leave that may be donated is four hours.
- Maximum amount of vacation cannot be more than the amount of the donor's annual accrual rate and may not reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate.
- Maximum amount of sick leave that may be donated is 1,040 hours but may not reduce the sick leave account below 40 hours.
- Unused donated leave is returned to the donor(s) on a pro-rata basis.

HOLIDAYS

- Observe 11 paid holidays per year except when Christmas falls on a Tuesday, Wednesday or Thursday then it is 12.
- Holiday for full-time employees is 8 hours; prorated for part-time employees.

CIVIL LEAVE

- Provided to employees when have to serve on jury duty or subpoenaed as a witness as part of their job.
- The employee needs to inform supervisor when this duty is scheduled.
- The employee is entitled to leave with pay and may keep fees received for jury duty.
- Employee should report back as soon as duty is completed.
- 2nd shift employee will not be required to work on the day that jury duty occurs.

LEAVE & BENEFIT INFORMATION SUPERVISORS NEED TO KNOW

- 3rd shift employees will not be required to work their shift the night prior to the day that jury duty begins.

COMMUNITY SERVICE LEAVE

- Granted to parents for child involvement in the schools, to any employee for volunteer activity in the schools or a nonprofit community service agency, and to any employee for tutoring and mentoring in the schools
- 24 hours of paid leave is credited to each employee at the beginning of the year unless they are tutoring/mentoring for which 36 hours are given and an agreement is made with the school.
- New employees shall be credited 2 hours per month for the remainder of the year.
- Tutoring/mentoring is one hour per week up to the maximum of 36 hours.
- Approval must be given to use CSL.
- CSL may be used for meeting with a teacher; attending any function sponsored by the school in which the employee's child is participating; performing school-approved volunteer work approved by a teacher etc. or performing a service for a community service organization.
- Leave not taken in a calendar year is forfeited.

MILITARY LEAVE

- Leave with pay up to the maximum of 120 hours for members of the uniformed service for active duty for training; inactive duty training; for call-up or order to Federal active duty. This includes members of the State Defense Militia and Civil Air patrol members.
- Agency usually requires employee to provide notification of upcoming duty.

LEAVE WITHOUT PAY

- Two definitions for this policy are extended leave without pay or short leave without pay.
- Leave without pay must be approved by agency and/or supervisor.
- Employee cannot decide they want to take leave without pay if they have vacation time on the books for vacation purposes.
- Employees must pay the state's premium of health insurance while on LWOP.
- Employees who are absent without approval may be subject to disciplinary action.
- There are special provisions for parental leave for those who do not qualify under FMLA Policy.